

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**CORNELL MARTIN**

**PLAINTIFF**

**VERSUS**

**CIVIL ACTION NO. 1:08-cv-324-HSO-JMR**

**SHERIFF DAVID ALLISON**

**DEFENDANT**

**FINAL JUDGMENT**

This matter is before the Court on submission of the Report and Recommendation of Chief United States Magistrate John M. Roper [30-1] entered in this cause on September 4, 2009. The Court, having adopted said Report and Recommendation as the finding of this Court by Order entered this date, finds that this matter should be dismissed. Accordingly,

**IT IS, THEREFORE, ORDERED AND ADJUDGED** that, Defendant's Motion to Dismiss filed July 28, 2009 [26-1], pursuant to FED. R. CIV. P. 37 and 41(b), should be and is hereby **GRANTED**, and the above captioned cause should be and is hereby **DISMISSED WITH PREJUDICE**.

**SO ORDERED AND ADJUDGED**, this the 24<sup>th</sup> day of September, 2009.

*s/ Halil Suleyman Ozerden*

HALIL SULEYMAN OZERDEN  
UNITED STATES DISTRICT JUDGE